UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,126	09/24/2003	Mark J. Pettay	PAT-008B	2530

29129   7590   06/03/2008
MICHELLE A. ZARINELLI
C/O WEST CORPORATION
11808 MIRACLE HILLS DR.
MAIL STOP: W11-LEGAL
OMAHA, NE 68154

EXAMINER
WOZNIAK, JAMES S

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
06/03/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

MAZARINELLI@WEST.COM

	Application No.	Applicant(s)
Office Action Summary	10/670,126	PETTAY ET AL.
	Examiner	Art Unit	
	JAMES S. WOZNIAK	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-69* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-69* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *23 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some *   c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   In response to the office action from 12/27/2007, the applicant has submitted a request

for continued examination, filed 2/27/2008, amending independent claims 1, 23, 44, and 68-69,

while arguing to traverse the art rejection based on the added claim limitations *(Amendment,*

Pages 13-14). Applicant's arguments have been fully considered, however the previous rejection

is maintained due to the reasons listed below in the response to arguments.

2.   In response to the terminal disclaimer filed on 2/27/2008, the examiner has withdrawn the

previous obviousness-type double patenting rejection.

3.   In response to the amendment of claim 68, the examiner has withdrawn the previous 35

U.S.C. 101 rejection.

Response to Arguments

4.   Applicant's arguments have been fully considered but they are not persuasive for the

following reasons:

With respect to **Claims 1 and 23**, the applicant argues that the prior art of record fails to

teach "logging a time displacement based on the time displacement timestamp, per panel as a

portion of a log record; logging the voice interaction as a portion of the log record; and based on

the logging, evaluating the at least one voice interaction..." *(Amendment, Page 13)*. Applicant's

arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that

the claims define a patentable invention without specifically pointing out how the language of

the claims patentably distinguishes them from the references. In response, however, the

examiner points to the below rejection and further notes that the aforementioned claim limitation

is taught by the combination of Walker et al *(U.S. Patent: 6,567,787)* and Brockman et al *(U.S.

Patent: 5,826,240)*. More specifically, Walker teaches that a record or log of a client-customer

interaction is stored for later analysis, which includes a voice interaction *(Col. 5, Line 46- Col. 6,

Line 39; and recording an audio interaction, Col. 7, Lines 1-60)*. Although Walker further notes

recording time-based data for a transaction in a log file *(Col. 6, Lines 53-67)*, Walker does not

specifically suggest assigning time displacement stamps to a log file. Brockman, however,

teaches assigning elapsed time *(i.e., time displacement)* stamps associated with particular steps of

a transaction process in a log file *(Col. 7, Lines 29-49; and Col. 6, Lines 1-8)*. Brockman also

teaches that voice interactions are stored as part of the transaction log *(Col. 8, Lines 7-28)*. Thus,

since both Walker and Brockman teach storing voice interaction data in a transaction log and

Brockman additionally teaches the use of time displacement stamps, which enables a more

selective review *(Brockman, Col. 8, Lines 21-27)* and permits a manager to confirm with

reasonable confidence that the seller is performing appropriate steps at specific times *(Brockman,

Col. 7, Lines 35-39)*, the applicant's arguments have been fully considered, but are not

convincing.

With respect to **Claims 44 and 68-69**, the applicant's arguments *(Amendment, Pages 13-14)* have been fully considered, but are moot with respect to the new grounds of rejection in further view of Katz *(WO 94/21084) (see below)*.

The art rejection of the dependent claims is traversed for reasons similar to the independent claims *(Amendment, Pages 13-14)*. In regards to such arguments, see the response directed towards the independent claims.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   **Claims 44-69** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 44 and 69-69 recite that an interaction is a video recording *("interaction being a video recording")*. It is uncertain how an interaction between a client and agent can be a video recording. It appears that the claims should read that the interaction is recorded as a video *(see specification, Pages 13-14)*. The claims will be interpreted accordingly for the application of the prior art of record. Also, it is unclear how a voice record is obtained from only a video recording. It is appears that the claims should read that an interaction is recorded as voice and video *(see specification, Pages 13-14)*. The claims will be interpreted accordingly for the application of the prior art of record. Dependent claims fail to overcome the above rejection, and

thus, are also rejected as failing to comply with the requirements of 35 U.S.C. 112, second

paragraph.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

8.   **Claims 1-5, 8-10, 12-24, 28, 30-38, and 41-42** are rejected under 35 U.S.C. 103(a) as

being unpatentable over Walker et al *(U.S. Patent: 6,567,787)* in view of Brockman et al *(U.S.*

Patent: 5,826,240).

With respect to **Claim 1**, Walker discloses:

Conducting at least one voice interaction between the at least one agent and the at least

one client, wherein the at least one agent follows the at least one script via at least one of a

plurality of panels *(recording a spoken interaction between a customer and a service agent,*

wherein the agent reads from a script to conduct the interaction, Col. 7, Lines 10-60; and

evaluating an interaction for a plurality of voice message segments, Col. 5, Line 46- Col. 6, Line

39; and Fig. 6);

Entering information by the at least one agent according to response obtained from the at

least one client during the voice interaction *(agent enters prompt information into the system*

based on client response, Col. 11, Lines 7-44);

Logging the voice interaction as a portion of a log record *(Col. 5, Line 46- Col. 6, Line 39; Col. 6, Lines 53-66; and recording an audio interaction, Col. 7, Lines 1-60)*;

Based on the logging, evaluating the at least one voice interaction with at least one automatic speech recognition component adapted to analyze the at least one voice interaction *(interaction evaluation through speech recognition, Col. 7, Line 45- Col. 8, Line 15; and Col. 13, Lines 4-27)*; and

Determining whether the at least one agent has adequately followed the at least one script by using the evaluated at least one voice interaction *(evaluating the interaction through speech recognition and determining if the script was followed according to various evaluation criteria, Col. 6, Lines 24-39; and Col. 7, Line 45- Col. 8, Line 15)*.

Walker does not specifically disclose assigning time displacement timestamps to a plurality of prompt message panels during a voice interaction, however, Brockman recites a means for recording time stamps in a transaction log during a seller-client interaction that indicate an elapsed time point of a particular step *(i.e., panel)* in an interaction *(i.e., time displacement)* as well as the duration of the interaction step *(Col. 7, Lines 29-49; Col. 6, Lines 1-8; speech recognition processing means, Col. 5, Lines 47-55; and recorded voice interactions, Col. 8, Lines 8-28)*.

Walker and Brockman are analogous art because they are from a similar field of endeavor in customer service analysis systems using speech recognition. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Walker with the time stamps taught by Brockman in order to permit a manager to confirm

with reasonable confidence that the seller is performing appropriate steps at specific times

(Brockman, Col. 7, Lines 35-39).

With respect to **Claim 2**, Walker discloses the method wherein the live agent is a

telemarketing agent *(Col. 5, lines 40-45).*

With respect to **Claim 3**, Walker discloses the method wherein the script includes an

offer of goods *(figure 6 and Col. 11, lines 30-44).*

With respect to **Claim 4**, Walker discloses the method wherein said voice interaction is

carried on a communications network *(Col. 3, Lines 40-56; and Col. 5, Lines 41-45).*

With respect to **Claim 5**, Walker discloses the method wherein said communications

network is a publicly switched telephone network *(telephone line, Col. 3, line 52; and Col. 5,*

Lines 41-45).

With respect to **Claim 8**, Walker discloses the method the voice interaction is a telephone

call *(Col. 5, lines 40-45).*

With respect to **Claim 9**, Walker discloses the method wherein said live customer client

initiates said telephone call *(telephone ordering, Col. 5, lines 40-45 with Col. 12, lines 63-65).*

With respect to **Claim 10**, Walker discloses the method wherein the telephone call is

initiated by an entity other than the at least one client *(telemarketing, Col. 5, Lines 40-45).*

With respect **Claim 12**, Walker discloses the method further comprising the step of:

performing an action based *(bonus earned)* upon a determination obtained from said evaluating

step *(Col. 6, lines 24-39).*

With respect to **Claim 13**, Walker discloses the method but wherein performing an action comprises transmitting a signal *(audio signal transmitted)* to said live agent corresponding to said determination *(Col. 9, line 59 – Col. 10, line 5)*.

With respect to **Claim 14**, Walker discloses:

Performing an action comprises transmitting a signal to a reviewing authority corresponding to said determination *(billing system in communication with an operator database, Col. 6, Lines 24-39)*.

With respect to **Claim 15**, Walker recites:

Performing an action comprises causing an entry to be made in a script compliance incentive system *(operator database, Col. 5, Line 46- Col. 6, Line 39)*.

With respect to **Claim 16**, Walker discloses the method comprising: reviewing the determination of whether the at least one agent has adequately followed the at least one script *(bonus based on script compliance percentage, Col. 6, lines 24-28)*.

With respect to **Claim 17**, Walker discloses the method wherein the score *(percentage; Col. 6, lines 24-28)* is assigned by the automatic speech recognition component *(SCRAPI; Col. 8, lines 6-11)*.

With respect to **Claim 18**, Walker discloses:

Evaluating a plurality of panels *(evaluating an interaction for a plurality of voice messages, Col. 5, Line 46- Col. 6, Line 39; and Fig. 6)*.

With respect to **Claim 19**, Walker discloses:

Assigning a respective score to each one of the panels *(score associated with a recited voice message, Col. 6, Lines 24-39)*.

With respect to **Claim 20**, Walker further discloses:

Comparing data representing an actual duration of at least one interaction, wherein the at least one agent reads at least one script to the at least one client, to data representing an expected duration parameter associated with the at least one interaction *(time period during which a message should be spoken by an agent, Col. 8, Line 63- Col. 9, Line 15).*

With respect to **Claims 21-22**, Walker further discloses:

Disposition at least one interaction, wherein the at least one agent reads at least one script to the at least one client, based at least in part on a comparison of data representing an actual duration of the at least one interaction to data representing an expected duration parameter associated with the at least one interaction *(determining if a displayed message is recited in a specific duration and if not providing a reprompt to an agent, Col. 8, Line 13- Col. 9, Line 35).*

Claim 23 contains subject matter similar to Claims 1 and 12, and thus, is rejected for the same reasons. Walker also discloses system implementation in a telemarketing environment *(Col. 5, Lines 41-45).*

With respect to **Claim 24**, Walker discloses:

The communication network comprises at least one long distance telephone network *(remote communication media comprising telephone line; and telemarketing, Col. 3, Lines 40-56; and Col. 5, Lines 41-45).*

Claim 28 contains subject matter similar to Claim 2, and thus, is rejected for the same reasons.

With respect to **Claim 30**, Walker further discloses:

Transmitting at least one signal to the at least one agent *(transmitting a message to an*

agent, Col. 13, Lines 4-27).

Claim 31 contains subject matter similar to Claim 14, and thus, is rejected for the same

reasons.

Claim 32 contains subject matter similar to Claim 15, and thus, is rejected for the same

reasons.

With respect to **Claim 33**, Walker discloses:

Identifying at least one instance of non-compliance with the script, wherein the agent did

not adequately follow the script during at least one interaction *(identifying incorrectly spoken*

messages, Col. 6, Lines 24-39; and Col. 13, Lines 11-27).

With respect to **Claim 34**, Walker further discloses:

Obtaining a voice record of at least a portion of at least one voice interaction *(recorded*

speech from an agent, Col. 7, Lines 45-60).

With respect to **Claim 35**, Walker further discloses:

Obtaining a least a portion of a voice record of at least a portion of a suggested

interaction that is related to the at least one instance of non-compliance *(obtaining a prompt*

message for comparison with a voice interaction, Col. 7, Line 46- Col. 8, Line 15; and Col. 9,

Lines 16-35).

With respect to **Claim 36**, Walker further discloses:

Obtaining at least a portion of a pre-recorded voice record *(obtained voice is recorded*

prior to analysis, Col. 4, Lines 34-55; and Col. 7, Line 45- Col. 8, Line 15).

With respect to **Claim 37**, Walker further discloses:

Recording at least a portion of a second interaction as the further voice record after identifying

that at least one instance of non-compliance *(obtaining additional messages spoken incorrectly*

in determining an appropriate action, Col. 6, Lines 24-39).

With respect to **Claim 38**, Walker further discloses:

Providing at least the portion of the voice record of the at least one voice interaction and

the voice record of the suggested interaction to the agent *(differences between agent interaction*

and a suggested interaction, Col. 13, Lines 11-27).

With respect to **Claim 41**, Walker further discloses:

Directing the agent to remedial materials related to improving performance of the agent

(directing an agent's attention to correct prompts/phrases/words that will improve performance,

Col. 13, Lines 4-27; and Col. 16, Lines 29-33).

With respect to **Claim 42**, Walker further discloses:

Providing the agent with data representing at least one aspect in which the agent's

handling of at least one interaction was deficient *(Col. 13, Lines 4-27; and Col. 16, Lines 29-33).*

9.   **Claims 6-7, 25-27, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Walker et al in view of Brockman et al and further in view of Stuart et al *(U.S. Patent:*

6,868,154).

With respect to **Claim 6**, Walker in view of Brockman discloses the method/system for

evaluating a voice interaction between a telemarketing agent and a customer, as applied to Claim

1. Walker in view of Brockman does not specifically suggest communication over the Internet,

however, Stuart recites communications between a calling party and a service agent, conducted

over the Internet *(Col. 6, Lines 52-64)*.

Walker, Brockman, and Stuart are analogous art because they are from a similar field of

endeavor in customer service systems utilizing speech recognition. It would have been obvious

to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Walker

in view of Brockman with Internet-based customer communication scheme taught by Stuart in

order to expand upon the available networks taught by Walker, thus providing an alternate and

well-known means of connecting a calling party to an agent *(Stuart, Col. 6, Lines 43-64)*.

With respect to **Claim 7**, Stuart further discloses wireless communication between a

calling party and an agent *(Col. 6, Lines 52-64; and Col. 11, Lines 45-47)*.

Claim 25 contains subject matter similar to Claim 6, and thus, is rejected for the same

reasons.

With respect to **Claim 26**, Stuart further discloses workstations for a plurality of agents

(Col. 6, Line 52- Col. 7, Line 30).

With respect to **Claim 27**, Stuart further discloses an agent input device for

communicating over a telephone network and a workstation terminal *(Col. 6, Lines 52-64)*.

With respect to **Claim 29**, Stuart further discloses a plurality of customer service agents

(Col. 6, Lines 43-64).

10.   **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al in

view of Brockman et al and further in view of Rtischev et al *(U.S. Patent: 5,634,086)*.

With respect to **Claim 11**, Walker in view of Brockman et al discloses the method/system for evaluating a voice interaction between an agent and a customer utilizing speech recognition, as applied to Claim 1. Although Walker discloses comparison of a spoken input to a vocabulary containing words and phrases *(Col. 7, Line 66- Col. 8, Line 15)* and conversion of an input audio signal *(Col. 4, Lines 23-33)*, Walker in view of Brockman et al does not explicitly teach the conversion of input speech into a digital signal comprising at least one spectral representation, however, Rtischev discloses such a conversion process:

Converting data representing the voice interaction into a digital signal comprising a spectral representation of the voice interaction *(Col. 1, Lines 44-54; Col. 4, Lines 51-58; and Col. 5, Lines 4-27)*;

Comparing the digital signal to a reference standard comprising a known vocabulary *(Col. 5, Lines 4-27)*; and

Matching the digital signal to words and phrases contained in the reference standard *(Col. 5, Line 4- Col. 6, Line 5)*.

Walker, Brockman and Rtischev are analogous art because they are from a similar field of endeavor in recognizing speech corresponding to a script reading. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Walker in view of Brockman et al with the speech input conversion means taught by Rtischev in order to provide pre-processing used to implement speech recognition in Walker *(Walker Col. 7, Line 66- Col. 8, Line 15)*.

11.   **Claims 39 and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker

et al in view of Brockman et al and further in view of Blair *(U.S. Patent: 7,203,285)*.

With respect to **Claim 39**, Walker in view of Brockman discloses the method/system for

evaluating a voice interaction between an agent and a customer utilizing speech recognition, as

applied to Claim 35. Walker in view of Brockman does not specifically suggest that given and

suggested voice interactions are converted to a different format, however Blair discloses

converting such voice interactions into a GUI screen format *(Col. 6, Lines 37-46; and Col. 12,*

Line 56- Col. 13, Line 12).

Walker, Brockman, and Blair are analogous art because they are from a similar field of

endeavor in customer/agent interaction utilizing speech recognition. Thus, it would have been

obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings

of Walker in view of Brockman with the fault-finding GUI taught by Blair in order to better

improve business processes, train agents, and identify problems *(Blair, Col. 3, Lines 31-35)*.

With respect to **Claim 43**, Blair discloses the GUI as applied to Claim 39 and further

notes that mistakes in a call flow are highlighted *(Col. 5, Lines 15-19)*.

12.   **Claim 40 is** rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al in

view of Brockman et al and further in view of Macleod Beck et al *(U.S. Patent: 6,910,072)*.

With respect to **Claim 40**, Walker in view of Brockman discloses the method/system for

evaluating a voice interaction between an agent and a customer utilizing speech recognition, as

applied to Claim 35. Walker in view of Brockman does not specifically suggest a means for

notifying an agent of performance via e-mail, however Macleod Beck discloses a means for

emailing performance review data to an agent *(Col. 29, Lines 26-46)*.

Walker, Brockman, and Macleod Beck are analogous art because they are from a similar

field of endeavor in customer service systems utilizing speech recognition. Thus, it would have

been obvious to a person of ordinary skill in the art, at the time of invention, to modify the

teachings of Walker in view of Brockman with the email means taught by Macleod Beck in order

to provide a means for directly providing an activity review that is only accessible by the

intended agent *(Macleod Beck, Col. 29, Lines 26-46)*.

13.   **Claims 44-50, 52-54, 56-58, 62, 64, and 67-69** are rejected under 35 U.S.C. 103(a) as

being unpatentable over Scarano et al *(U.S. Patent: 7,076,427)* in view of Katz *(WO 94/21084)*

(referenced in the parent application 09/785,048).

With respect to **Claims 44 and 69**, Scarano discloses:

Identifying at least one interaction handled by at least one agent, which interaction is

deficient in at least one aspect *(identifying if a desired word/phrase/sequence is not detected,*

Col. 8, Lines 58-67);

Obtaining a voice record of at least a portion of the at least one interaction *(indexed voice*

interaction, Col. 11, Lines 1-62; Col. 13, Lines 7-19);

Obtaining a further voice record of at least a portion of at least a further interaction in

which the at least one aspect is not deficient *(script adherence monitoring used to identify the*

presence of required statements, Col. 8, Lines 58-67; and Col. 9, Lines 22-32); and

Transmitting data representing at least the portions of the voice record and the further

voice record to the at least one agent *(transmitting indexed call data and associated evaluations*

to a customer service representative client workstation, Col. 3, Lines 11-44; and Col. 11, Lines

1-62).

Scarano does not specifically disclose storing a video recording of an interaction,

however, Katz recites a telemarketing application in which an agent is monitored using audio

and video recordings *(Pages 8, 24, and 27-29).*

Scarano and Katz are analogous art because they are from a similar field of endeavor in

customer service monitoring. Thus, it would have been obvious to a person of ordinary skill in

the art, at the time of invention, to modify the teachings of Scarano with the video monitoring

taught by Katz in order to implement more effective agent monitoring *(Katz, Pages 15-16).*

With respect to **Claim 45**, Scarano further recites:

Identifying at least one QA-related parameter applicable to at least one interaction

involving the at least one agent *(quality control speech monitoring, Col. 10, Lines 33-46).*

With respect to **Claim 46**, Scarano further discloses:

Analyzing the at least one interaction against the at least one QA-related parameter

(analyzing a voice interaction for the presence of required statements, Col. 9, Lines 22-32; and

Col. 10, Lines 33-46).

With respect to **Claim 47**, Scarano further discloses:

Identifying at least one interaction wherein the at least one agent does not comply with at

least part of a pre-defined script governing the at least one interaction *(identifying required*

statements as a part of script adherence monitoring, Col. 9, Lines 22-32; and Col. 10, Lines 33-

46).

With respect to **Claim 48**, Scarano further discloses:

Identifying at least one interaction wherein the at least one agent fails to correctly enter

data provided by a third party into a computer based system *(order validation, Col. 10, Lines 33-*

46).

With respect to **Claim 49**, Scarano further discloses:

Identifying at least one interaction wherein the at least one agent provides an incorrect

response to a question from a third party *(compliance assurance in a customer service*

environment, Col. 10, Lines 19-46).

With respect to **Claim 50**, Scarano further discloses:

Recording at least a portion of at least one interaction processed by at least one agent

physically located at a call center *(call center having customer service representative (CSR)*

workstations, Col. 3, Lines 11-44).

With respect to **Claim 52**, Scarano further discloses:

Obtaining a further voice record includes obtaining at least a portion of a pre-recorded

interaction *(stored call audio data, Col. 7, Lines 28-35; and Col. 12, Lines 6-18).*

With respect to **Claim 53**, Scarano further discloses:

Accessing at least one data store containing data representing at least respective portions of a

plurality of pre-recorded interactions *(accessing recorded audio files on a server, Col. 11,*

Line 12- Col. 12, Line 18).

With respect to **Claim 54**, Scarano further discloses:

Recording at least a portion of a further interaction occurring subsequently to the at least

one interaction *(multiple indexed voice interaction portions, Col. 9, Lines 9-21)*.

With respect to **Claim 56**, Scarano further shows:

Transmitting to the at least one agent at least one screen shot representation of a

computer screen related to the at least one interaction *(Fig. 17)*.

With respect to **Claim 57**, Scarano further discloses:

Transmitting to the at least one agent data representing at least a portion of a pre-defined

script with which the at least one agent failed to comply *(script adherence analysis, Col. 10,*

Lines 33-46; and Fig. 17).

With respect to **Claim 58**, Scarano further discloses:

Transmitting to the at least one agent data representing information enter incorrectly by

the at least one agent into a computer-based system *(order validation and provided call details,*

Col. 10, Lines 33-46; and Fig. 17).

With respect to **Claim 62**, Scarano further discloses:

Converting the voice record into a format suitable for transmission to at least one agent

physically located in a call center *(audio signal conversion, Col. 11, Lines 12-38)*.

Claim 64 contains subject matter similar to Claim 62, and thus, is rejected for the same

reasons.

With respect to **Claim 67**, Scarano further discloses:

Accessing a data store adapted to correlate respective portions of a pre-defined script

governing at least a portion of the at least one interaction to respective fields in the data store that

store respective suggested voice records corresponding to the respective portions of the script

(indexed audio recordings/script adherence, Col. 9, Line 22- Col. 10, Line 46).

With respect to **Claim 68**, Scarano in view of Katz discloses the agent evaluation

method, as applied to Claim 44, wherein Scarano discloses that such a method can be

implemented as a program on a computer, which would inherently require some type of memory

for program storage *(Col. 8, Lines 58-67).*

14.   **Claims 51, 63, and 65** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Scarano et al in view of Katz and further in view of Eilbacher et al *(U.S. Patent: 6,724,887).*

With respect to **Claim 51**, Scarano in view of Katz discloses the method/system for

evaluating a voice interaction between an agent at a call center and a customer utilizing speech

recognition, as applied to Claim 50. Although well known in the art, Scarano does not explicitly

disclose that an agent may be located remotely from a call center, however, Eilbacher discloses

such a location of a call agent *(Col. 6, Lines 42-49).*

Scarano, Katz, and Eilbacher are analogous art because they are from a similar field of

endeavor in customer service analysis systems. Thus, it would have been obvious to a person of

ordinary skill in the art, at the time of invention, to modify the teachings of Scarano in view of

Katz with the remote agent location taught by Eilbacher in order to expand the range and number

of available call agents using a well-known remote agent configuration that is interchangeable

with a in-house agent *(Eilbacher, Col. 6, Lines 42-49).*

Claims 63 and 65 contain subject matter similar to Claims 51 and 62, and thus, are

rejected for the same reasons.

15.   **Claims 55 and 66** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Scarano et al in view of Katz and further in view of Macleod Beck et al *(U.S. Patent:*

6,910,072).

With respect to **Claim 55**, Scarano in view of Katz discloses the method/system for

evaluating a voice interaction between an agent and a customer utilizing speech recognition, as

applied to Claim 44. Scarano in view of Katz does not specifically suggest a means for notifying

an agent of performance via e-mail, however Macleod Beck discloses a means for emailing

performance review data to an agent *(Col. 29, Lines 26-46).*

Scarano, Katz, and Macleod Beck are analogous art because they are from a similar field

of endeavor in customer service analysis systems. Thus, it would have been obvious to a person

of ordinary skill in the art, at the time of invention, to modify the teachings of Scarano in view of

Katz with the email means taught by Macleod Beck in order to provide a means for directly

providing an activity review that is only accessible by the intended agent *(Macleod Beck, Col.*

29, Lines 26-46).

Claim 66 contains subject matter similar to Claim 55 and 62, and thus is rejected for the

same reasons.

16.   **Claims 59-61** are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarano et

al in view of Katz and further in view of McIllwaine et al *(U.S. Patent: 6,324,282).*

With respect to **Claims 59-61**, Scarano in view of Katz discloses the method/system for

evaluating a voice interaction between an agent and a customer utilizing speech recognition, as

applied to Claim 44. Scarano in view of Katz does not specifically suggest providing remedial

training documents/programs to an agent. McIllwaine, however, discloses a method/system for

QA monitoring that directs agents to specific training materials and software based on

monitoring results *(Col. 5, Line 52- Col. 6, Line 39; Col. 7, Lines 56-65; and Col. 10, Lines 4-*

14).

Scarano, Katz, and McIllwaine are analogous art because they are from a similar field of

endeavor in customer service analysis systems. Thus, it would have been obvious to a person of

ordinary skill in the art, at the time of invention, to modify the teachings of Scarano in view of

Katz with the training material distribution means taught by McIllwaine in order to provide

customized training to agents most in need of training *(McIllwaine, Col. 10, Lines 33-58)*.

Conclusion

17.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure: See PTO-892.

18.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632.

The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Patrick Edouard can be reached at (571) 272-7603. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/James S. Wozniak/
James S. Wozniak
Patent Examiner, Art Unit 2626